IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1127 (S/S) of 2005

Bhuvan Chandra Kandpal,
aged about 56 years,
son of Sri B.D. Kandpal,
resident of G.B. pant Hospital Campus,
District – Nainital. **…….Petitioner.**

Versus.

1. Director General, Medical and Health Services, Uttaranchal, Dehradun.
2. Chief Superintendent, T.B. Sanitarium, Bhowali,. Nainital, **……Respondents.**

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Ashish Joshi, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the present writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of mandamus directing the respondent to transfer the petitioner on the post of Office Superintendent in the office of Chief Medical Officer, (hereinafter referred to as "CMO") Nainital.

The petitioner, who was working as Office Superintendent in the office of CMO, Nainital was transferred with some other employees to TB Sanitarium, Bhowali in the year 2001, in pursuance to the inquiry proceedings going on in the office of CMO, Nainital.

Learned counsel for the petitioner has submitted that on 31.10.2001, the Director General, Medical and Health Services, wrote a letter (Annexure No. 7 to the writ petition) to the President, Uttaranchal Rajya Karmchari Sanyukt Parishad, Dehradun wherein he has stated that in case the employees, who had been transferred from Nainital in pursuance to the inquiry going on in the office of CMO, Nainital, are exonerated in the inquiry, they will be transferred back.

Learned counsel for the petitioner has submitted that the inquiry has been concluded and the petitioner has been exonerated from the charges and as such, he is entitled to be transferred back to Nainital in pursuance to the letter dated 31.10.2001 of Director General, Medical and Health Services, Uttaranchal, Dehradun. In this connection, the petitioner has already moved representation dated 03.12.2004 before respondent no. 1 i.e. Director General, Medical and Health Services, Uttaranchal, Dehradun (Annexure No. 8 to the writ petition).

Learned counsel for the petitioner has further submitted that respondent no. 1 has yet not taken decision on the representation of the petitioner and as such, he may be directed to take decision on the

petitioner's representation in the light of his letter dated 31.10.2001 at the earliest.

The prayer is innocuous. Respondent no. 1 i.e. Director General, Medical and Health Services, Uttaranchal, Dehradun is directed to decide the petitioner's representation dated 03.12.2004 (Annexure no. 8 to the Writ petition) within a period of four weeks' from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 10, 2005
SKSharma